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### REMARKS

In the "Final" Office Action dated August 29, 2003, claims 1, 3, 8-10 and 15 are rejected under 35 U.S.C. §102(e). Claims 4-7, 11-14 and 16 are rejected under 35 U.S.C. §103(a).

However, for the reasons set forth hereafter, it is respectfully submitted that Applicant's invention as set forth in claim 1, as well as claims 3-16 which depend therefrom, includes features which are not anticipated or rendered obvious by the cited references. Reconsideration is, therefore, respectfully requested.

Claims 1, 3, 8-10 and 15 are rejected under 35 U.S.C. §102(e) as being anticipated by Mouws. The Examiner contends that Mouws discloses all of the features Applicant's invention as set forth in claim 1, particularly that the device of Mouws could be tightened by one hand. The Examiner continues to assert that the device of Mouws could be mounted, tightened and released with one hand.

However, Applicant respectfully submits that Mourws fails to disclose all the features of his invention as set forth in claim 1, and the claims depending therefrom.

Mourws is devoid of any teaching or suggestion of employing an attachment means including a connector means for extensibly receiving a free end of the strap therethrough to releasably tighten the strap and the enclosure about a vehicle steering column. Mourws specifically lacks an connector means for receiving a free end of the strap therethrough to enable tightening of the strap.

Applicant further submits that the Examiner continues to erroneously state that Mourws can be mounted and tightened by using one hand. Mourws specifically discloses the wrapping of the cord 3 multiple times around the enclosure and steering column. Clearly, wrapping a cord about a cylindrical steering column with one hand would require that the cord, after being wrapped over one side of the steering column, would have to be let go so that the user can then retract his hand and reach under the steering column to grab the cord and continue the wrapping operation until the cord is again draped over the steering column. The user must then again let go of the end of the cord, and reach back under the steering column to continue the

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wrapping operation. Clearly, if the cord were elastic, the act of letting go of the cord to reach back under the steering column would cause the cord to snap back to its normal relaxed length thereby preventing multiple wraps of the cord about the steering column unless the user's other hand was employed to hold the cord under tension in a partially wrapped position while the user repositioned his first hand back under the steering column to grab the free end of the cord.

If the cord were non-elastic, the same action would apply as the act of letting go of the cord would cause any tightening of the cord and the open end of the enclosure about the steering column to loosen. Repositioning of the user's hand and grabbing the end of the cord from underneath the steering column would again impose tightening forces, which would be impeded by any multiple wraps of the cord and material of the free end of the enclosure about the steering column.

Thus, it is submitted that Mouws clearly cannot be tightened using a single hand as enabled by the attachment means of Applicant's invention as set forth in claim 1.

Further, the ability to tighten the strap and enclosure by using a single hand is clearly set forth in proper "means plus function" language thereby requiring consideration of this function.

For these reasons, it is respectfully submitted that Applicant's invention as set forth in claim 1, and claims 3, 8-10 and 15, include features which are not anticipated by Mouws.

Claims 11-14 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mouws.

However, it is respectfully submitted that Applicant's invention as set forth in claims 11-14 and 16 patentably defines over Mouws for the same reasons set forth above with respect to claim 1, from which claims 11-14 and 16 depend.

Claims 4-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mouws in view of Burg. The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify the cord 3 and hook 6 tightening and securing arrangement of Mouws with the strap and latch tightening and securing

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arrangement of Burg to provide a strong, secure and easily adjustable means of tightening the enclosure onto the steering column.

The Examiner further states his disagreement with Applicant's argument that the locking buckle of Burg is not equivalent to nor a permissible direct substitution for the cord of Mouws and maintains that the substitution of the strap with the biasing latch of Burg for the strap and hook of Mouws is obvious and proper. From this, the Examiner concludes that once the hook and strap of Mouws is replaced with the strap and biasing latch of Burg, the airbag arrestor is structurally identical to Applicant's arrestor.

However, it is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness to support a substitution of the buckle of Burg for the hook and loop of Mouws.

Mouws teaches a hook on one end of a cord which is attachable to a loop on another portion of the bag after the cord has been wrapped multiple times around the steering column to tighten the open end of the enclosure securely about the steering column. The multiple wrapping is essential as the open end of the bag in a relaxed state is considerably larger in diameter than the diameter of the steering column since the open end of the bag must first pass over the substantially larger diameter steering wheel mounted on the end of the steering column.

Thus, Mouws is devoid of any teaching or suggestion of mounting a connector on one end of the strap or cord which extensibly receives a free end of the strap or cord therethrough to enable tightening of the strap and the open end of the enclosure about a vehicle steering column.

According to the Examiner's reasoning, any buckle, latch or connector could obviously be substituted for the hook and loop of Mouws. However, such a substitution clearly results from the impermissible use of hindsight reconstruction and, further, ignores the operation of the hook and loop of Mouws as clearly would be evident to one of ordinary skill in the art with knowledge of Mouws.

It is submitted that the buckle of Burg operates in an entirely different manner than the hook and loop of multiple wound cord of Mouws.

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In view of the failure of the Examiner to establish a *prima facie* case of obviousness to support a legitimate combination of Mouws and Burg without resorting to the impermissible use of hindsight reconstruction, it is respectfully submitted that Applicant's invention as set forth in claims 4-7 patentably defines over the art or record.

In conclusion, for the reasons set forth above, it is respectfully submitted that Applicant's invention as set forth in claims 1 and 3-16 includes features which are not anticipated or rendered obvious by the cited references, taken singly or in any permissible combination. Accordingly, it is respectfully submitted that claims 1 and 3-16 are in condition for allowance; a notice of which is respectfully requested.

Entry of this Amendment under the provisions of Rule 37 C.F.R. 1.116 is submitted to be warranted and is respectfully requested. By this amendment, the Applicant has made minor changes to claim 1 which are consistent with the previously submitted claim so as not to require undue consideration or further search by the Examiner. Further, claim 1 has been amended to a form better suitable for allowance and/or appeal in that the "adapted to" language objected to by the Examiner has been replaced with "means plus function" language.

Further, the amendments to claim 1 are being submitted at this time as it was believed that the previous form of claim 1 adequately defined Applicant's invention in

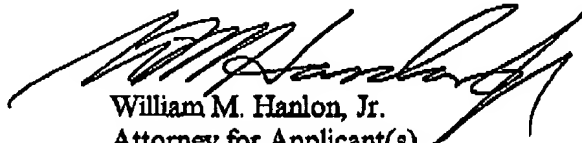
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a patentable manner over the references cited by the Examiner. Thus, entry of this Amendment under the provisions of Rule 37 C.F.R. 1.116 is submitted to be warranted and is respectfully requested even if the Examiner does not allow any of the claims.

Respectfully submitted,

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